



Successful Practices in Title III Implementation

**Technical Assistance
Bulletin 6, Vol. 1
Chemical Emergency
Preparedness and Prevention**

State of Kansas
Washtenaw County, Michigan
Butler County, Kansas
Jefferson County, Kentucky

ABOUT THIS BULLETIN

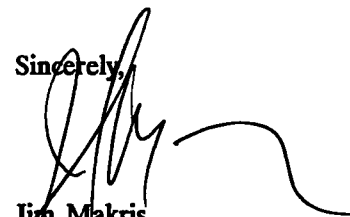
This is the first in a series of bulletins EPA is issuing to provide examples of SARA Title III (the Emergency Planning and Community Right-to-Know Act of 1986) programs and practices that are innovative or have proven to be effective. The purpose of these bulletins is to share information on successful practices with Local Emergency Planning Committees (LEPCs), State Emergency Response Commissions (SERCs), fire departments, and Title III implementing agencies throughout the country with the hope that such information will prove useful to other SERCs and LEPCs as their programs develop and evolve.

Elements from the programs featured here may be transferrable to other programs in similar communities or with similar situations. The bulletins will provide information on a variety of practices -- e.g., planning, information management, compliance, outreach. The particular topics covered in each program description are listed at the upper right hand corner of the first page of the description for easy reference. If you have any comments on the format of this series of bulletins, please contact Martha Colvin of the Preparedness Staff, U.S. Environmental Protection Agency, OS-120, 401 M St., SW, Washington, DC 20460, (202) 382-4514.

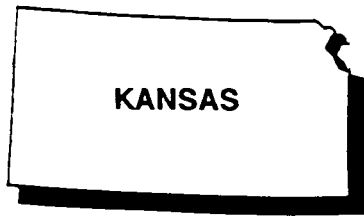
The descriptions of the programs are not exhaustive. They are meant to provide readers with enough information to decide if a particular idea is possibly applicable to their own situation. Each description includes a contact person who can provide more detailed information and assistance.

If you know of Title III efforts that you feel would be of interest to others, please call your EPA Regional Preparedness Coordinator (see list on the last page) or the Emergency Planning and Community Right-to-Know Information Hotline at 1-800-535-0202 (in Washington, DC: (202) 479-2449).

Sincerely,



Jim Makris
Director, Preparedness Staff
Office of Solid Waste and Emergency Response



Leadership
Outreach
Planning
Training
Hazards Analysis
Information Management
Funding
Compliance

State characteristics: 105 counties are LEPCs

SERC: Cabinet officers heading 11 state agencies, 3 public representatives, 2 industry representatives;
Chair: Lieutenant Governor

Kansas is often cited as an example of a Title III program that is working well. The Kansas LEPCs report that they have received the help they need from the SERC. The keys to this success at the state level are strong leadership and a conviction that Title III must be a way of life in Kansas, that because we live in a world with the potential for chemical exposure, Title III work must be ongoing.

SERC ACTIVITIES

Leadership. The chairman of the SERC is Lieutenant Governor Jack Walker, M.D., who has been very active, pushing the eight-person SERC staff to make the program work. The other SERC members are heads of cabinet offices and high-ranking officials of industry and interest groups. The combination of SERC members who have the power to get things done and who are committed to the program has made it possible for the state to develop a proactive program with limited resources.

In the first month or two after the LEPCs were appointed, Kansas LEPC chairs were resigning with alarming frequency. The SERC members and staff realized that most of these people were confused by the totally new program and somewhat apprehensive of it. They decided the key to making Title III work was to make the LEPCs comfortable, to give them all the help possible, to show them how to make it work. The SERC staff spent a couple of months designing a program of training and outreach activities that would make it possible for 15 lay LEPC members to understand Title III and put it into action. The result has been a Title III program that is working throughout the state.

Outreach. Kansas has produced a series of brochures and booklets to explain Title III:

- *Guide to Community Right-to-Know Compliance under SARA and Kansas Laws* explains how to determine if a facility must comply with the various Title III requirements and how to comply.
- *Summary of Registered Pesticides and Pharmaceutical Products in Kansas* lists the section 302 extremely hazardous substances by their trade names and lists the threshold planning quantities in gallons rather than pounds because farmers, in particular, deal in gallons and trade name products. The booklet even tells how many flea collars add up to the threshold planning quantity.

- Brochures directed to specific audiences -- e.g., small businesses, farmers -- to explain how Title III might affect them. These brochures have been given to the LEPCs to help them with their outreach programs, which the state has required them to carry out.

These booklets, developed for facilities, farmers, and the public, were distributed at special conferences, state fairs, trade shows, trade association meetings, and at public meetings. In addition, Kansas had public service announcements on radio and television.

Training. One of the principal methods the Kansas SERC has used to make the LEPCs comfortable with Title III and their responsibilities has been training. Using State and Federal funding, the SERC has given its training courses at locations around the State. The SERC believes it has trained the largest number of people at the lowest cost of any state in its region. The SERC has provided courses in:

- Recognizing and identifying hazardous materials (six hour course);
- The pesticide challenge (Pesticides and Title III) (16 hour course);
- Hazardous materials contingency planning (40 hour course); and
- Hazards analysis (16 hour course).

Because the SERC mandated that each LEPC conduct a vulnerability analysis as part of its planning, the SERC decided it needed a course that thoroughly explained the *Technical Guidance for Hazards Analysis*, the "green book" prepared by EPA, FEMA, and DOT. Students are asked to bring their own county and city maps as well as their lists of chemicals present in their community.

Planning. To help LEPCs prepare their plans, the SERC developed a plan with one county that other LEPCs could use as a sample. The sample is not a "fill in the blanks" model. Instead it is an example showing LEPCs the types of letters that have been sent to facilities, the by-laws that have been adopted by another LEPC, and the methods used for hazards analysis. While some parts of the plan may be adaptable, the main purpose of the sample is to show other LEPCs what a real plan for a Kansas LEPC looks like. The SERC is also working with LEPCs on the draft plans so that the final plans submitted will be acceptable.

Hazard Identification. In further support of LEPC planning, the SERC has suggested at least two methods to be used to gather information for the hazards analysis described in the "green book." For smaller counties, the SERC has asked for a 12-hour road survey (see Butler County description below). The LEPCs collect information on all the hazardous materials being transported in the county over a 12-hour period. The method has been an effective tool for making the smaller counties realize that even if they lack industry they have hazardous materials and may have to respond to emergencies.

For the more populated areas the SERC has developed the Hazards Incidents Complexity Analysis. This method divides the area into 2 mile by 2 mile grids. For each grid, the LEPC collects historical accident data, information on special populations (e.g., hospitals, schools), and environmental factors such as aquifers. The LEPC then rates the hazards in each grid in relation to the other grids to determine where the highest priorities should be assigned for the planning process. Although the method is not statistically valid, the SERC believes it creates an awareness of the problems.

Information Management. The SERC is developing an information management system that will depend on state rather than LEPC efforts. The SERC believes such a system is needed because individual LEPCs are not able to handle large quantities of MSDSs. The state has purchased the HAZOX software package and given it to four counties as a pilot project. The package contains the J.T.

Baker Chemical Library that provides standardized MSDSs for each chemical as well as EPA chemical profiles. Eventually, the SERC hopes to have a system that can be accessed and used by every LEPC.

Funding. The State legislature has passed a bill to fund the SERC program. Half the funds come from general revenues, the other half from fees. Originally, the state intended to fund the entire program through fees, but decided that because the program benefits the public, they should share some of the burden. The following fees have been adopted:

- For section 311 lists, \$23/facility.
- For each MSDS, \$6.
- For Tier I forms, \$6/facility.
- For Tier II forms, \$9/report.
- For section 313 forms, \$187/facility.
- For annual filing of any section 311-313 forms, \$2.

The state charges no fee for filing section 302 notifications. The state does not provide funding for LEPCs.

The Title III planning process has forced the counties to look at their resources and, in some cases, to write ordinances to give themselves enforcement powers. For example, some are adopting ordinances that make the responsible party pay for a cleanup.

Compliance. On October 18, 1988, the SERC published a list of LEPCs that have not completed plans. The SERC is also emphasizing that the LEPCs have a public safety responsibility: If the LEPC fails to develop a plan and an accident happens, it could be liable if people are hurt or property damaged when planning could have prevented it.

LESSONS LEARNED

Have a Broad-Based LEPC Membership. Inclusion of people who are not typically part of the emergency planning process has been critical to the success of the Kansas program. These people ask the "simple" questions that need to be asked and they bring new ideas to the process.

The SERC has also come to realize that there is a great deal of misunderstanding on the part of local officials and responders about the type of assistance that would be available from the state and federal government. Some LEPCs expect that the state or federal government will send a hazardous materials response team to handle incidents. The process of working with the LEPCs has been useful in educating them about their responsibilities. The planning process is also being used to focus on needed resources to be requested in county budgets.

Committed SERC the Key. SERC staff emphasize that the key to success is a committed, active SERC that makes the LEPCs comfortable.

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Funding
Information Management
Prevention

LEPC: 28 members (elected officials, law enforcement, fire fighters, medical, transportation, community and environmental groups, labor, education, agriculture, emergency response, facilities; chair: community representative)

Population: 272,000

Facilities: 41 to date, primarily related to the automobile industry and waste water treatment.

Washtenaw County passed its own right-to-know regulation through the Board of Health in 1986. Because of State preemption, however, the county did not begin enforcing it until 1988. The law is broader than Title III in that it covers OSHA hazardous chemicals and chemicals on a State registry; the county, however, is dovetailing the program with Title III and using the information being gathered during inspections to help with the plan required under SARA section 303.

LEPC ACTIVITIES

Funding. The county regulations allow the local environmental health bureau to inspect facilities that handle or store hazardous chemicals and charge a fee for the inspection. Until 1990, facilities with aggregate amounts of toxic chemicals in excess of 275 gallons are required to report the presence of those chemicals; each reporting facility will be inspected. After 1990, the reportable quantity will become 27 1/2 gallons. Fees range from \$100 to \$600 based on aggregate volume. The money collected through the fee system will pay for the inspectors and for the administration of the inspection program; the fees do not pay for Title III planning.

Prevention of Chemical Accidents. So far the inspections have uncovered a number of potentially dangerous situations that have since been rectified. For example, one person who was running a business from his home had blasting caps stored in the house and dynamite stored nearby outside the house. Another inspection uncovered ten-years worth of hazardous waste improperly stored.

In addition, during their inspections, the local environmental health bureau has discovered that many facilities lack any detection systems to alert them to a leak. The LEPC is advising facilities of the need for better equipment and is urging them to install detection systems that will monitor potential leaks and thus protect their employees and the community. All efforts are coordinated with local fire departments that would cover these facilities in an emergency situation.

Information Management. The county has developed forms that in some respects parallel the Tier II forms required under section 312 of SARA. These county forms for the reporting of the chemicals covered under the county regulation can then be used as worksheets for filling in the Tier II forms. The county has offered seminars to help facilities fill in the forms.

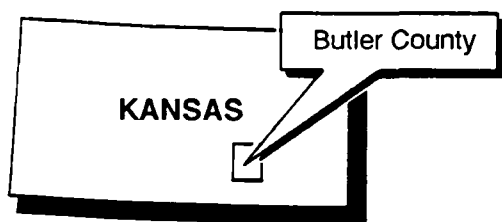
LESSONS LEARNED

Local Regulations Help. The County's local Right-to-Know regulation has provided funding for the program and has allowed the LEPC to identify many more facilities that are covered under Title III than originally reported to the SERC. The LEPC has been able to work with these facilities to provide them with the information they need to comply.

Contact: Dr. Rebecca Head
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(313) 994-2398

or

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Box 8645
Ann Arbor, Michigan 48107
(313) 994-4958



Hazards Identification Survey Transportation Outreach

LEPC: 20 members (includes three county commissioners, health department, media, industry, county director of the environment)

Population: 48,000

Facilities: 1 major refinery

Butler is a relatively rural county in southeastern Kansas. When the LEPC began its Title III work, members assumed that few hazardous substances were used or stored in their community. The county, however, has five major highways, two railroad lines, and 800 miles of pipelines.

LEPC ACTIVITIES

Hazards Identification Survey. The Butler County LEPC conducted a 12-hour survey to identify hazardous materials transported in or through the county. To carry out the survey, the LEPC developed a form for traffic watchers to fill in. The form asked for the type of vehicle -- e.g., tank truck, non-tank truck -- and the placard number. They chose as the locations they would survey the eight main entrance points to the county (which includes the Kansas turnpike) as well as 7 other points within the county. They conducted the survey over 12 hours because they wanted to know peak times as well as the number of vehicles.

The LEPC members themselves took part in the survey and several volunteered the time of other people; for example, the sheriff volunteered his deputies; the Texaco representative brought a couple of his staff; and one member volunteered her mother. People took 4- to 6-hour shifts. Using the LEPC members instead of an all-volunteer force helped involve the members in the process and gave them an investment in the plan. Once the survey was done, all the information was plotted on a large map to give the LEPC a picture of where the hazardous materials are and which are the major routes of concern for planning purposes.

Outreach. The public relations people on the LEPC persuaded the local newspaper to run articles on Title III and its significance to the public. The paper ran one major article and a couple of follow-up pieces later. The LEPC also ran spots on the radio. One LEPC member is a radio disk jockey so he was able to present the spots himself.

The LEPC members also spoke to the Secretaries' Club, the Lions, Kiwanis, and the Rotary Club to reach the local business community.

LESSONS LEARNED

Help Comes from Unexpected Places. One major lesson the Butler County LEPC learned, and the one for which it has received national publicity, is that help can be found in unexpected places. The LEPC hazards identification survey and emergency plan were developed by Allen Roe, an inmate at the state prison, who had been working as a file clerk in the county health office. Roe estimates that he has

Butler County, Kansas (cont.)

now spent over 800 hours working on the plan, meeting with SERC staff to review the plan, and providing information and help to other counties. Roe urges counties to use inmates, if appropriate, and senior citizens. Not only do senior citizens have time, but they also are responsible and they know the county.

**Contact: Beverly Gaines or Allen Roe
Butler County Court House
Eldorado, Kansas 67042
(316) 321-3400**



Training
Planning
Funding
Information Management

LEPC: 200-plus members (including representatives of all facilities reporting)

Population: 675,000 (includes Louisville)

Facilities: 210 reporting facilities

In 1985, an accidental release of hexane resulted in an explosion that destroyed property above 2 1/2 miles of sewer lines. Following that incident, the county adopted an ordinance that required hazardous materials reporting and the development of emergency plans by facilities.

LEPC ACTIVITIES

Training. Partially as a result of the planning process that was begun following the sewer system accident, the county health department developed and delivered hazmat training for the Federal Agency for Toxic Substances and Disease Registry (ATSDR), part of the U.S. Department of Health and Human Services. This hazmat training is focused on health department concerns (e.g., treatment of exposed people and equipment), but it also covers all other aspects of hazardous materials response. Many of the emergency services organizations within the county participate in this training process. The course is one week in length and is open to anyone interested. Health officials, planners, and first responders from various parts of the county have attended the training sessions.

Planning. As a result of the planning that followed the 1985 incident, fire departments in Jefferson County adopted FEMA's integrated emergency management system. Title III information is now integrated into the existing hazardous materials annex that was created initially under that plan.

The State of Kentucky has determined that all facilities subject to SARA reporting will be represented on LEPCs. As a result, in addition to county representatives, Jefferson County's LEPC has one member for each of the 210 reporting facilities. The number of initially affected facilities was 218, but 8 reduced inventories to avoid reporting requirements. At first the large number of members of the LEPC seemed unwieldy, but it has led to wide involvement in the planning process by industry. Most of the work is being done by subcommittees consisting of LEPC members.

Facilities have taken an active role in reducing hazards to the community, participating in the development of plans, and reducing and dividing inventories. For example, some facilities now break up stored hazardous substances into smaller containers. This reduces the overall hazard since the risk of all of the substance being involved in an accident is diminished. The overall relationship between the county and industry has been improved as a result of the legislation.

The county goes beyond the requirements of Title III by requiring the development of on-site and off-site plans by facilities. These plans are separate from the overall county plan. The on-site plans cover hazardous materials incidents that are completely contained within the facility fenceline. The off-site plans include those incidents that pass beyond the boundaries of the facility. The facility must identify special populations and other sensitive locations nearby for inclusion in the plan. To assist facilities with these

Jefferson County, Kentucky (cont.)

plans, the county prepared sample plans. The LEPC identifies the vulnerable zone for the facility using Computer Aided Management of Emergency Operations CAMEO™¹ system calculations based on the *Technical Guidance for Hazards Analysis*, a document jointly published by EPA, FEMA, and DOT.

The LEPC is broken into committees which individually are developing parts of the county's plan. The work of the committees is voted on by the full LEPC. The committees include the following: Health Issues and OSHA Regulations Committee, Community Emergency Planning Committee, Community Ordinance and Trade Secret Committee, and Information Committee.

Funding. The City of Louisville and Jefferson County each provided \$25,000 and industry voluntarily provided another \$50,000 for use by the LEPC information committee in undertaking public education about community right-to-know. Industry has contributed this money in the interest of providing the public with a full understanding of the information reported. Funding for other LEPC activities comes primarily from the city and county.

Information Management. Jefferson County is using CAMEO™ to assist with planning. The Office of Disaster and Emergency Services digitized a map of the county to put into the CAMEO™ system. In addition, on-site and off-site emergency plans that are required to be submitted by facilities will be included in the system.

Contact: Bud Fekete
Louisville--Jefferson County
Disaster and Emergency Services
Room 113, City Hall
601 West Jefferson
Louisville, KY 40202
(502) 625-3900

¹ CAMEO™ is a personal computer (Apple Macintosh) based community planning and response tool. It was jointly developed by NOAA and EPA and is designed to help communities comply with Title III planning requirements.

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